

Application Number: 10/775,381
Art Unit: 3743
Agent Docket: DAWSON-001
First Named: Peter Dawson

REMARKS

The Examiner has required restriction between two inventions: (I) claims 1-38, drawn to an invention of a bulk material heat exchanger, classified in class 165, subclass 166, and (II) claims 39-44, drawn to a method of automated cleaning of an exterior surface of a heat exchanger, classified in class 134, subclass 21. Restriction was required because the Examiner believes that the inventions are distinct, based on the following reasons:

Inventions I and II are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(h)). In this case the product as claimed can be used in a materially different process of using that product such as a method as in claim 39, 41, 42 or by hand brushing the heat exchanger.

In addition, the examiner believes that invention I is comprised of six different species of heat exchangers, which the examiner classifies as follows:

Species A: Figure 1;

Species B: Figures 7, 8a and 8b;

Species C: Figures 9, 10a and 10b;

Species D: Figures 11, 12 and 13a;

Species E: Figures 13b and 13c; and

Species F: Figures 14 and 15.

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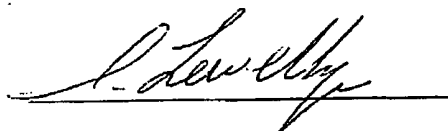
Furthermore, the examiner classifies invention II into several distinct species of cleaning apparatus. Species of figures 20; 21c; 22a; 22b; 22c; 23 and 24.

Further yet, the examiner classifies several distinct species of closing a tube [plate exchanger], of figures 3a, 3b, 3c, 3d, and 3e.

At last, the examiner classifies several distinct species of attaching a support element on the tube [plate exchanger] wall, of figures 6a, 6b, and 6c.

The applicant hereby respectfully submits the examiner is in error in classifying several distinct species of attaching a support element on the tube wall by figures 6a, 6b and 6c. These figures illustrate, by way of example, several possible configurations of a flow diverter, which can be used in any of the disclosed embodiments of the heat exchanger plate.

Respectfully submitted:



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